



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, ३ दिसम्बर, १९६५/१२ अग्रहायण, १८८७

GOVERNMENT OF HIMACHAL PRADESH

REVENUE DEPARTMENT

NOTIFICATION

Simla-4, the 15th October, 1965

No. 1-4/63-Rev. I.—The Himachal Pradesh Nautor Rules, 1965, as framed by the Himachal Pradesh Government, repealing the Himachal Pradesh Nautor Rules, 1954, are hereby published for the information of the general public:

RULES

1. Title, extent and commencement.—(i) These rules may be called the Himachal Pradesh Nautor Rules, 1965.

(ii) They shall be applicable to the whole of the territories included in Himachal Pradesh, and shall come into force at once.

2. Repeal and saving.—All rules, regulations and robkars hitherto in force, in respect of the grant of nautor, anywhere in Himachal Pradesh, are hereby repealed:

Provided that the repeal of such rules etc., shall not be deemed to affect any grant already made thereunder.

3. *Definitions.*—In these rules, unless there is something repugnant to the subject or context:—

- (a) "Landless person", for the purpose of these rules, means a person who does not hold any land at all whether as an owner or as a tenant or as lessee or as a mortgagee, and who now wants land for any of the purposes mentioned in rule 4 (a) and (b) as his principal occupation.
- (b) "Nautor" means the right to utilise, with the sanction of the competent authority waste land owned by Government, outside the towns outside the reserved and protected forests, and outside such other areas as may be notified from time to time by the State Government in this behalf for any of the purposes mentioned in rule 4:

Provided that, if the State Government so desires, nautor in any protected forest may be allowed subject to rules framed under section 32 (g) of the Indian Forest Act:

Provided further that the State Government may, if it so desires, as an exception in special circumstances grant nautor in reserved forests as provided under section 23 of the Indian Forest Act on such terms and conditions as it may, by general or special orders, lay down.

- (c) "Tenant", "Landowner", "Holding" and "Estate" shall have the meanings, respectively, assigned to these words in the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act and the Himachal Pradesh Land Revenue Act.
- (d) The term "Circle" shall mean the area lying within the jurisdiction of a field kanungo.
- (e) "State Government" shall mean the Lieutenant Governor, Himachal Pradesh.
- (f) "Ordinary agriculture" shall mean agriculture other than raising of fodder, growing of vegetables, growing of any special grasses, herbs, shrubs and trees and bee-keeping.

4. *Purposes for which nautor may be granted.*—Nautor may be granted only for one or more of the following purposes, namely:—

- (a) Horticulture.
- (b) Agriculture, including raising of fodder, growing of vegetables, growing of any special grasses, herbs, shrubs and trees for domestic use or for cash income; and bee-keeping.
- (c) Construction of:—
 - (i) any building subservient to agriculture;
 - (ii) thrashing floor;
 - (iii) water mill;
 - (iv) water channel.
- (d) Construction of a building for residence or for a shop or for letting out.
- (e) Consolidation of holdings.
- (f) Other purposes, such as, the extension of a bazar, the setting up of a factory, etc., etc., except such purpose as is notified by the State Government from time to time as a purpose for which nautor should not be sanctioned.

5. *The maximum limit of grant.*—Maximum limits to grant nautors shall be as under:—

- (i) For horticultural purposes—30 bighas.
- (ii) For agriculture, including raising of fodder, growing of vegetables,

growing of any special grasses, herbs, shrubs and trees for domestic use or for cash income and bee-keeping, vide rule 4 (b) 20 bighas.

- (iii) For water mills—2 biswas (the land actually required for taking out a water channel for the water mill shall be sanctioned in addition as actually needed or, in the alternative, only the right to take out the water channel through Government land shall be allowed if grant of nautor be against public interest in any case).
- (iv) For purposes mentioned in Rule 4 (d), (e) and (f) and that part of (c) which relates to a building subservient to agriculture—upto 1 bigha, in respect of a building for a purpose subservient to agriculture or for residence or for a shop or for letting out; and according to requirements for the other purposes; provided that, while the sanction upto 1 bigha for any of these buildings may be granted by the Tehsildar, sanction for a greater area, according to requirements, may, in special cases, be granted by the Deputy Commissioner for any of these buildings.

(v) For a thrashing floor—1 biswa:

Provided that, save for the exceptions mentioned below, nautor, for the various purposes indicated above, shall be permissible only to the extent by which the existing holding of the applicant falls short of the maximum limit laid down, respectively, in the foregoing portion of this rule:

- (a) *Exceptions to this proviso:*—In the case of a co-operative society, the maximum limit for the grant of nautor shall be 100 bighas for horticultural purposes and 50 bighas for agricultural purposes vide rule 4 (b).
- (b) "In localities higher than 7,000 feet, above the sea level, the maximum limit for the grant of nautor to an individual for agriculture will be 30 bighas, and, in localities higher than 8,000 feet, above the sea level, the maximum limit for the grant of nautor to an individual for horticultural purposes will be 45 bighas."

Explanation.—In the case of a joint holding, i.e., a holding held jointly by more owners than one, the respective proportionate share of each joint holder, as entered in the revenue records, shall be taken to be the holding, for the purpose of the limits within which nautor may be granted, in respect of each joint holder.

6. Grants in excess of the prescribed maximum limits.—Any grant that the State Government might make of land exceeding the maximum limits prescribed above will be made not as nautor, under these Nautor Rules, but as lease according to the law and rules governing leases.

7. Eligibility for nautor.—Save for the widow and the children, of a member of an armed force, or semi-armed force, or civilian force, who has laid down his life for the defence of the country (whose widow and children will be eligible for nautor any where within Himachal Pradesh) no one, who is not a resident in the estate in which the land to be applied for nautor lies, shall be eligible for a nautor, and every such dependent of one who has died in the defence of the country and every resident of the estate in which the land lies will be eligible in the following order of preference:

- (a) A landless person.

- (b) The dependents of those who have laid down their lives for the defence of the country. Service for the defence of the country will mean service in a uniformed force as well as in the capacity of a civilian, so long as the death occurs on a front, be it military or civil.
- (c) Within the category of the landless, a dependent of one who has died for the defence of the country shall get preference over the others.
- (d) To serving personnel in the Armed Forces.
- (e) Co-operative Societies.
- (f) Others.

8. Where the father is alive, no son or daughter, and, where the husband is alive, no wife, shall be eligible for nautor, and, therefore, for applying for a nautor, subject to the following exceptions:

Exception:

- (a) If a son or a daughter or a wife proves that the father or the husband, as the case may be, has disinherited or separated him or her, or has renounced the world, such a son or daughter or wife, as the case may be, will be eligible for nautor; provided that the disinheritance or the separation, as the case may be, should be proved to be genuine and permanent.
- (b) If a serving member of the Armed Forces happens to have applied for nautor, in the life time of his father, he will be eligible for nautor to the extent by which his share of succession in the father's landed property, on the date of the sanction of the nautor, falls short of the relevant ceiling prescribed above.

9. Nothing under these rules shall apply to the grant of land for the rehabilitation of persons displaced, as a result of anything done for any public purpose to be recognised as a public purpose for this rule by the State Government. Grant of land for this purpose will be made according to the formal scheme approved by the State Government either generally or specifically for each project or scheme or other action entailing such displacement.

10. *Charges.*—Grant of Nautor shall be made on payment at the following rates:

Category of Nautor	Rates	Remarks
1. Nautor granted for agricultural and horticultural purposes.	Rs. 10 per bigha.	Provided that the granting authority may for special reasons reduce these rates with the previous approval of the Financial Commissioner.
2. Nautor granted for purposes other than those mentioned in item 1.	Rs. 50 per bigha.	Provided further that Nautor upto the prescribed limits may be granted to persons serving in the Armed Forces and to the dependents of those who have died for the defence of the country free of payment.

Explanation.—For the purpose of calculating payment under this rule, nautor for a water mill, other than one meant purely for domestic service, shall be deemed to be nautor for a non-agricultural purpose. If a purpose originally stated to be agricultural is found later to have turned non-agricultural payment at non-agricultural rate shall be made, under pain of cancellation of nautor, from the date the use becomes non-agricultural.

- Notes:**—(i) The above rates do not include the price of any trees on the land, which price shall be chargeable at the market rate in addition to the price of the land.
- (ii) In cases where the grantee is not interested in the trees on the land granted as nautor, the forest department shall arrange itself to dispose of the trees.
- (iii) The trees on the land granted as nautor, where the grantee is un-interested, shall be sold by the forest department within three months of the sanction and the land cleared of the trees within three months of the sale. In all, there shall be the maximum time limit of six months, for the clearance by the forest department, of the land, granted to a person who was not prepared to pay the price of the trees as assessed by the forest department.

11. Restriction on gradient.—No land with slope more than 1 in 4, for horticultural purposes and more than one in twenty for agricultural purposes other than horticulture, raising of fodder, growing of special grasses, herbs, shrubs and trees and bee-keeping, shall be granted in nautor, provided:

- (i) That nautor may be granted for agricultural purposes, other than the purposes excepted above even in land with a slope greater than one in twenty, but not exceeding one in ten, if the prescribed soil conservation measures are taken before the land is brought under cultivation and not later than two years from the date of the grant of the *patta*. The prescribed measures, for this rule, shall mean the measures prescribed by the Forest Department, in its report on the nautor file. If the forest department opines that, even with soil conservation measures, the locality would not be safe for a nautor, from the point of view of the danger of erosion, land exceeding the slope of one in twenty shall not be allowed in nautor for agricultural purposes other than the purposes excepted above.
- (ii) No nautor shall be granted on land with a slope more than one in three for any purpose, except for a water channel.

12. Land revenue when due.—Land revenue shall be charged from the following dates and not earlier:

- (a) In the case of nautor for raising of fodder, growing of any special grasses, herbs, shrubs and trees and for bee-keeping from the date of the grant of the *patta*.
- (b) In the case of nautor for ordinary agriculture:
from *kharif* of the third year from the date of the grant of the *patta*.
- (c) In the case of nautor granted on the land, which has been rendered unculturable by floods or similar other circumstances and which a person undertakes to make culturable by reclaiming it:
from the *kharif* of the fifth year from the date of the grant of the *patta*.
- (d) In the case of nautor for horticultures:
from the *kharif* of the sixth year.

- (e) In the case of nautor for water mills and water channels: from the *khari* of the third year or from the *khari* or *rabi*, as the case may be, in which the mill starts running, whichever, is earlier.
- (f) In other cases, where land revenue is leviable under law and rule from the date of the grant of the *patta*, unless, for valid and judicious reasons to be recorded, any other date is specified in the sanctioning order.

13. Resumptions.—The grant of nautor shall be cancelled and the land granted resumed by the State Government without payment of any compensation in the following events:

- (a) If in the case of ordinary agriculture, the grantee fails to break up, and, where so.l conservation measures have been prescribed, to take the prescribed measures, within two years from the date of the *patta*.
- (b) If, in the case of horticulture, the grantee fails to plant the area with fruit trees within four years from the date of the *patta*.
- (c) If, in the case of a water mill and a water channel, the grantee fails to set up the water mill, or to dig out the water channel, as the case may be, within two years from the date of the *patta*.
- (d) If, in the case of nautor for any other purpose, the grantee fails substantially to start utilisation of the land for the purpose for which the nautor has been granted to him within one year of the grant of the *patta*.
- (e) If the grantee, at any time, uses the land for any purpose other than the purpose for which the grant was made to him.
- (f) If the grantee sells the land granted in nautor, within 15 years, from the date of the *patta*, or if he sells it, at any time, for a purpose other than the one for which the land was granted to him. In the event of either kind of sale the power of the State Government to cancel the grant and to resume the land shall govern the vendee also.

Proviso.—Provided that the periods laid down in (a), (b), (c) and (d) shall, in each case be counted after, the removal of trees by the forest department whenever it becomes the responsibility of that department to dispose of trees under note (ii) and (iii) to rule 10.

14. Applications for nautor.—Application for nautor shall be made in form 'D', appended to these rules, in duplicate, the copies being marked original or duplicate, as the case may be, and shall be presented to the revenue officer of the tehsil. The original copy shall bear a court fee stamp of Re. one. The duplicate need not be stamped. Both the copies shall be accompanied by the following documents:

- (i) A copy of the Tatima Shajra (supplementary map) showing the area applied for.

The Tatima Shajra should indicate the boundaries of the land applied for, on all the side, with specific reference to at least two permanent boundary marks, or fixed marks near enough which can be easily identified on the spot and with the help of which the plot applied for may undoubtedly be located on the spot. A copy of the Tatima Shajra with all these details should invariably be attached to the *patta* to be executed according to rules, so that the person who gives possession on the spot and the person who takes

possession know, clearly and beyond any ambiguity which land has been sanctioned.

- (ii) A copy of the *Fard Intkhab Jamabandi* (except from revenue record) pertaining to the land applied for.
- (iii) An affidavit (in form G) to the effect that the applicant owns no land anywhere other than the land of which details have been given in the application.
- (iv) A certificate of residence in the estate in which the land applied for in Nautor lies, from the president of the gram panchayat.

15. Procedure.—On receipt of an application for nautor the following procedure shall be adopted:

- (a) The tehsil revenue officer shall cause the application to be entered in the *Misal Band* register to be maintained in the tehsil in form appended to these rules. The registered file number shall be marked on the original as well as the duplicate. The original application shall then be sent to the gram panchayat concerned and the duplicate copy to the range officer, in whose circle the land applied for is situated, for enquiry and report.
- (b) The gram panchayat, on receiving the application, shall issue a proclamation calling on any person, who may have any objection to the grant of the nautor, to make his objection, and shall get the *Tatima Shajra* checked by the field *kanungo*. A period of one month shall be allowed for receiving objections, if any. After the expiration of the said period of one month, the gram panchayat shall hold an enquiry on the spot and record the statement of the estate right holders regarding all existing rights in the land, and also objections, if any from any body, to its being granted in nautor. After enquiry, the gram panchayat shall record its report and proposal on the file.
- (c) The field *kanungo* shall visit the office of the gram panchayat, during his monthly visit to the *patwar* circle, and attest all *Tatima shajra* pending in the panchayat office after inspecting the sites during the same visit. While checking the *Tatima Shajra* lying with the gram panchayat, the field *kanungo* will note the proximity of any forest, road, path, existing cultivation, water channel, and public spring, and the slope of the land, and record a detailed report in respect of trees standing or lying on the land, if any, with particulars of their kind and girth. He shall also make his report on the following points :
 - (i) Whether the plot applied for is suitable for the purpose for which it is intended to be used.
 - (ii) The nature of the objections, if any, and their validity.
 - (iii) The existing soil classification of the land applied for and that in which it will fall when put to the use for which the nautor application has been made, and also the land revenue which will be chargeable thereon.
 - (iv) The merits of the claim of the applicant for the nautor being granted.
 - (v) The size of the family of the applicant and the size of the holding(s) he owns or possesses in the circle and elsewhere, while the field *kanungo* shall be personally responsible for the accuracy of the particulars of the holding(s) within the circle, particulars of the holding(s), if any, elsewhere should be reported to the best of his information.

- (d) The field kanungo shall carry out the spot inspection in the presence of the gram panchayat pradhan or at least two members of the gram sabha of whom one should be preferably from the village in which the land applied for is situated. After attestation, the Tatima Shajra shall be returned to the gram panchayat.
- (e) The gram panchayat shall forward the application to the Tehsildar with its report and proposal. If, in any case, the gram panchayat fails to forward its report and proposal on the application within the prescribed period, it shall be presumed that the gram panchayat has no comments to offer and then the application shall be disposed of on merits without waiting any further for the panchayat comments.
- (f) All applications in which the gram panchayat have failed to make their reports within the prescribed period shall be collected by the field kanungo at the time of his monthly visit and submitted to the Tehsildar with his own report on all the points laid down in this rule.
- (g) Wherever the field kanungo reports that the gradient of the land applied for violates the limits prescribed in these rules, the nautor application shall be forwarded by the Tehsildar to the Deputy Commissioner for outright rejection.

16. Reference to forest department.—On receipt of the duplicate copy of the nautor application from the tehsil revenue officer, the range officer shall, after spot inspection, report his views, mentioning *inter alia* the area and the slope of the land, the value of the trees, if any, and the details of the anti-soil erosion measures if any, that need to be taken before the nautor, if sanctioned, is put to use. He will send his original report direct to the tehsil revenue officer, with a copy to the divisional forest officer, he should state categorically whether he recommends sanction or rejection giving reason when he proposes rejection.

17. Reference to public works department.—In a case where the land applied for is situated at the edge of any public road, the panchayat shall ascertain from the sub-divisional officer public works department concerned, whether or not the public works department has any objection to the proposed grant. It shall be binding on the sub-divisional officer to communicate his views to the panchayat within ten days from the date the query by the panchayat has been delivered to him or to his office, whichever date be earlier. Failing to hear from the S.D.O. within this period, the panchayat shall be free to presume that there is no objection from the public works department, subject to such general rule or order, if any, of the government as may be in force concerning road side nautors.

18. Report of the tehsil, revenue officer.—After enquiry, as required above, the tehsil revenue officer shall submit the case with his views to the Deputy Commissioner of the district, reporting, *inter-alia*, on the following points:

- (i) Whether the plot applied for is suitable for the purpose for which it is intended to be used.
- (ii) The nature of objections, if any and their validity.
- (iii) The soil classification, existing and future, of the land applied for, and the land revenue which will be chargeable thereon.
- (iv) The situation of the area in relation to any adjacent forest, road, path, existing cultivation, water channel, and public spring.
- (v) The merits of the claim of the applicant for the nautor being granted.

- (vi) The size of the family of the applicant and the size of the holding(s) he owns or possesses in the tehsil and elsewhere. The Tehsildar shall be personally responsible for the correctness of the landed holding(s) within the tehsil and he will report about the holding(s) elsewhere from the best of his information.

Note.—The information from (i) to (vi) may be conveniently collected in a statement given in form (B) appended to these rules.

- (vii) Whether the grant is recommended, if not, the reasons.

19. Power to grant nautor.—The Deputy Commissioner shall be competent to grant nautor upto the maximum limits prescribed in rule 5, and the Tehsildar upto one bigha, under rule 5 (iv).

20. Procedure after sanction of nautor.—(a) After a nautor has been sanctioned by the Deputy Commissioner, or by the Tehsildar under rule 5 (iv) the grantee shall be required to deposit all the dues within one month of the date on which the grant is sanctioned, subject what has been provided in sub-rule (c).

(b) After the execution of the *patta* in form E/F, the Deputy Commissioner will issue a memorandum in Form 'C' appended to these rules, through the tehsil office to the patwari for entry of the mutation and for transfer of possession of the land to the grantee.

(c) In the case of a nautor granted for subsistence, the payment may be allowed to be made in equal monthly instalments not exceeding six in number, interest free. The grant of the *patta* and the mutation in such cases shall be postponed until the full payment has been made, but the possession shall be delivered on deposit of the first instalment. The failure of the grantee to pay any of the instalments punctually will render the grant liable to resumption and the amount already paid to forfeiture.

(d) The amount realised from a grantee will be credited into the treasury in the following manner:

- (i) The price of land, under head (9—Land Revenue),
- (ii) The price of trees, as (forest income).

21. Grantee bound by the conditions of the patta.—Subject to the provisions of these rules, the grantee shall be bound by the conditions of the *patta*.

22. Periodical statements to be submitted by the Deputy Commissioner.—At the end of each quarter, a statement showing particulars of the grants of nautors made in the preceding three months shall be forwarded by the Deputy Commissioner to the Commissioner, a copy being sent to the Divisional Forest Officer concerned.

23. Copy to panchayat and concerned departments.—The Deputy Commissioner, and the Tehsildar under rule 5 (iv) shall invariably send a copy of his order sanctioning a nautor to the panchayat and to the department concerned in every case in which the panchayat or the department, as the case may be, has opposed the grant, so that the department or the panchayat, as the case may be, may have an opportunity to file an appeal to the Commissioner against the decision of the Deputy Commissioner or the Tehsildar under rule 5 (iv), if there is, any grievance.

24. Report to be submitted by the patwari.—In the case of a nautor granted for ordinary agricultural purposes the patwari shall report, immediately on the expiry of two years from the grant of the nautor, whether the land has

been brought under cultivation by the grantee. In the case of a nautor granted for horticulture, he shall report, immediately on the expiry of four years, whether, under the terms of the grant and the undertaking given by the grantee, fruit trees have properly been planted by him in the land. In the case of a nautor granted for a water mill, he shall report, immediately on the expiry of one year, whether the mill has been started and, if not, yet whether at least construction of the mill has substantially begun. In other cases, he shall report at the expiry of one year whether any substantial start has been made for the use of the land for the purpose for which it was granted. The date on which the above report is due from the patwari shall be entered in the appropriate column of the Misalband register.

Explanation.—The patwari shall in each harvest inspection (girdawari) make specific entries about the use of which each field number granted in nautor has been put and shall send a consolidated report to the tehsil. In each case when the word “substantial” has been used in this context, the details of the substantial use shall be given.

25. Defaulter to be called before resumption.—When the Deputy Commissioner is satisfied that a grantee has committed a breach of the conditions of his grant, he shall, before ordering resumption under these Rules, give the grantee an opportunity to appear and state his objection to the cancellation and resumption, and, having recorded the statement, he may either (a) extend the period for the fulfilment of the condition of the grant by one year for valid reasons to be recorded in writing or (b) recommend to the Commissioner that a longer extension of time may be granted within which to fulfil the condition; or that the breach of condition may be condoned with or without payment of a penalty, or that the grant may be resumed.

26. Commissioner to pass orders.—The Commissioner may, on receipt of a report submitted to him under sub-rule (b) of the last foregoing rule, pass such orders as he deems fit.

27. Resumption of possession.—When an order for resuming the grant has been passed by the competent authority, possession of the land shall be taken by the tehsil revenue officer in accordance with these rules and the conditions of the *Patta*.

28. Grant of nautor in cases of illicit possession.—(i) Only such applications for getting nautor of land in illicit possession as were pending in December, 1963 shall be disposed of according to rule 21 of the Nautor Rules, 1954, and thereafter the provisions of this rule shall be treated as cancelled in respect of all encroachment cases:

Provided that petty encroachments to the extent of 10 biswas, if suitable under these rules for the purpose for which the encroachment has been made, may be regularised under the old rule 21, of 1954 (as given in appendix ‘A’) if they are contiguous to the main holding.

(ii) The land, from which any person is ejected on the ground of illegal possession may be allotted to a landless person in the same village, preferably a harijan. If the encroacher himself happens to be such a person, and there is none other equally or more deserving, the land may be sanctioned to the same person on a regular application for nautor and by the regular nautor procedure.

This rule does not apply to grass land and no authority shall in any case grant grass lands in nautor merely on the ground of long illegal possession.

29. Appeals.—(a) An appeal from an order of the Tehsildar, under rule 5 (iv) shall lie to the Deputy Commissioner. and from any order of the Deputy Commissioner to the Commissioner. Appeal from any order of the Commissioner shall lie to the Financial Commissioner, provided that there shall be no appeal against an order of the Commissioner confirming in appeal the order of a Deputy Commissioner passed in appeal against the order of a Tehsildar.

(b) The period of limitation for an appeal under the last foregoing rule shall run from the date of the knowledge of the order appealed against and shall be as follows:

- (i) When an appeal lies to the Deputy Commissioner ..30 days
- (ii) When the appeal lies to the Commissioner ..60 days
- (iii) When the appeal lies to the Financial Commissioner ..90 days

30. Review.—The Financial Commissioner, or the Commissioner or a Deputy Commissioner, may, either of his own motion or on the application of any party interested, review, and, on so reviewing, modify, reverse or confirm any order passed by himself or by any of his predecessors in office; provided as follows:

(a) When the Commissioner or a Deputy Commissioner thinks it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the Financial Commissioner in the case of the Commissioner and the Commissioner in the case of a Deputy Commissioner.

(b) The application for review of an order shall not be entertained unless it is made within 90 days from the passing of the order, unless the applicant satisfies the Financial Commissioner or the Commissioner or the Deputy Commissioner, as the case may be, that he had sufficient cause for not making the application within that period.

(c) An order shall not be modified or reversed in review unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order,

(d) An order against which an appeal has been preferred shall not be reviewed.

31. Revision.—(i) The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by, any officer subordinate to him.

(ii) The Commissioner or a Deputy Commissioner may at any time call for the record of any case pending before, or disposed of by, any officer subordinate to him.

(iii) If, in any case, in which the Commissioner or a Deputy Commissioner has called for the record, he is of opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of Financial Commissioner.

(iv) The Financial Commissioner may in any case called for by himself under sub-rule (1) or reported to him under sub-rule (iii) pass such orders as he thinks fit; provided that he shall not under this rule pass any order reversing or modifying any proceeding or order of a subordinate revenue officer and affecting any question of right between the parties without giving the parties concerned an opportunity of being heard.

32. *Time for submission of reports.*—Each agency and officer concerned shall conform to the time limits prescribed below:

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| 1. Sending of the application to the panchayat and the range officer, by the Tehsil revenue officer. | Within one week from the date of receipt. |
| 2. (a) Report by the panchayat to the tehsil revenue officer. | Within two months from the date of receipt. |
| (b) Report of the range officer to the tehsil revenue officer. | Within one month from the date of receipt. |

If the report is not received by the tehsil revenue officer within the time prescribed above, it will be presumed that the panchayat or the range officer, as the case may be, has no objection.

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| 3. Submission of report by the Tehsildar to the Deputy Commissioner. | Within one month from the date of receipt of the report from panchayat or the range officer whichever is later, and, if no report is received, from the date of termination of the maximum period within which the report was due. |
| 4. Order by the Deputy Commissioner | Within two months from the receipt of the nautor file from the Tehsildar. |

FORM 'A'

(See rule 15)

MISALBAND REGISTER FOR THE GRANT OF NAUTOR..... TEHSIL..... DISTRICT.....

1. Serial No.
2. Date of institution
3. Name of village
4. Name of the applicant with description
5. No. khasra (new) with area and classification of soil
6. Purpose of grant
7. Gram panchayat/Forest ranger Date of despatch to
8. Gram panchayat/Forest ranger Date of receipt from
9. Abstract of the report of the gram panchayat/of field kanungo/forest ranger.
10. Abstract of the report of the Tehsildar
11. Abstract of the final order sanctioning the grant with date thereof
12. Abstract of the main conditions of the grant
13. Annual amount of the land revenue and cesses and the harvest from which chargeable
14. Tatima Shajra of the nautor land showing karukans
15. Dates on which the report mentioned in rule 24 is due from patwari
16. Remarks

FORM 'B'

(See rule 18)

Report of the tehsil revenue officer on the application dated.....
for the grant of nautor by.....son of.....
resident of village.....tehsil.....
district.....

1. Situation of the plot applied for:
 - (a) Name of Mauza with topographical number
 - (b) Khasra numbers;
 - (c) Tehsil;
 - (d) District;
 - (e) Bounded on the north by.....
on the south by.....
on the east by.....
on the west by.....
2. How far is the plot located from:
 - (a) the centre of the nearest public road;
 - (b) any other path;
 - (c) water channel;
 - (d) forest.
3. Extent of the slope of the plot.....
4. Area of the plot applied for
Bighas.....Biswas.....
5. Number, girth and price of the standing trees, if any, on the plot
6. Soil classification in which the land applied for will be included
7. What is the amount of land revenue chargeable?
8. Purpose for which the land will be used by the applicant
9. Is the plot suitable for the purpose for which it is intended to be used or not? Give reasons in support of your opinion.
10. Does the applicant own any land in the village or elsewhere in Himachal Pradesh and if so, where and how much?
11. What are the claims of the applicant for nautor being granted?
12. Has the applicant very small holding in relation to the size of his family?
13. Does the applicant till the soil himself?
14. Are the objections, if any, lodged in response to the notice issued under rule 15 by the estate right holder valid or invalid? Give reasons.
15. The report of the gram panchayat
16. The report of the forest ranger
17. Recommendation of the tehsil revenue officer and any other facts relevant to the case.

Date.....

Signature of the Tehsil Revenue Officer.

FORM 'C'

[See rule 20 (b)]

MUTATION MEMORANDUM

1. Serial No.
2. Name of the village where the nautor is situated
3. Area, field numbers Jamabandi, holding number and in case the land

is situated within the limits of a municipal committee, small town committee or notified area committee, details of property as required under section 21 of the Registration Act.

4. Name and detail of the person whom the grant is made.
5. File number and date of final orders of the sanctioning authority with abstract.
6. Conditions of the grants
7. Tatima Shajra with field number
8. Remarks

Forwarded to:

The Field Kanungo for entry of mutation.

Dated

Signature of the Tehsil Revenue Officer.

Date of entry of mutation

Date of attestation of mutation

Date of return of the memorandum to the tehsil

FORM 'D'

(Rule 14 of the Himachal Pradesh Nautor Rules)

APPLICATION FOR NAUTOR IN HIMACHAL PRADESH

1. Name of applicant son of
resident of village tehsil
district
2. Particulars of preferences claimed,
3. Particulars of land already held by the applicant if any:
 - (i) District
 - (ii) Tehsil
 - (iii) Number of estate (hadbast)
 - (iv) Khasra number with ara and classification
 - (v) Whether owner, tenant, self cultivating or non-cultivating?
4. Object for which nautor is required.
5. Particulars of the nautor applied for:
 - (i) District
 - (ii) Tehsil
 - (iii) Number of estate (hadbast).
 - (iv) Khasra number with area and classification
6. In case nautor is required for subsistence state:
 - (i) Number of children of the applicant
 - (ii) Number of other dependents
7. Whether the applicant applied previously for nautor, if so give the following particulars:
 - (a) Date of application
 - (b) Whether sanctioned or rejected and the date of order
 - (c) Particulars of nautor granted previously if any:
 - (i) District
 - (ii) Tehsil
 - (iii) Number of estate (hadbast)
 - (iv) Khasra number with area and classification
 - (v) Amount of dues if any paid

8. Whether the applicant was charged of breaking Government land without permission previously?

9. Result of proceedings indicated at item 8, if any.

I solemnly affirm and declare that whatever has been stated above is true to the best of my knowledge and belief and that nothing relevant has been concealed or suppressed.

I hereby promise and undertake that if any grant of nautor land is made in my favour, I shall abide by the terms of such grant.

Dated.....

Signature of the applicant.

FORM 'E'

[See rule 20 (b)]

FORM OF PATTI

A grant made by the Lieutenant Governor of Himachal Pradesh (hereinafter called the Government) of the one part to..... resident of..... tehsil district..... Himachal Pradesh, (hereinafter called the grantee) of the other part) in..... pursuance of order, dated..... of the.....

Whereas the land hereinafter mentioned vests in the Himachal Pradesh Government and which is authorised to grant interest in or to dispose of the said land;

And whereas the grantee has paid the sum of Rs..... to the Government as *nazrana* and Rs..... on account of the price of the trees;

Now this grant witnesseth as follows:

1. The Lieutenant Governor of Himachal Pradesh on behalf of the Government grants unto the grantee all that plot of land, measuring..... bighas hereinafter described as "nautor" and specifically described in the schedule hereto, to have an interest in and to hold the same subject to the exceptions and reservations and on the terms and conditions hereinafter appearing.

2. The grant of nautor is made for..... purpose only.

3. Exceptions and reservation on behalf of the Government:

(a) The Government does not grant but excepts and reserves to itself all mines and quarries of whatever nature existing on or below the surface of the land with liberty to search for, work and remove the same in as full and ample manner as if this grant had not been made.

(b) The Government does not grant but excepts and reserves to itself all rivers and streams with their beds and banks, all drainage channels and all public thoroughfares now existing on the land or proposed for construction.

(c) For the full discovery, enjoyment and use of the right hereby reserved, it shall be lawful for the Government through its authorised agents or for any officer of the Government to enter upon the land and make such use thereof as may be necessary for these purposes without making any compensation to the grantee for such use and occupation except as may be provided hereunder.

OBLIGATIONS OF THE GRANTEE

4. The grantee hereby covenants with the Government as follows:
 - (a) Not to do or suffer to be done any act inconsistent with or injurious to any of the rights excepted and reserved to the Government.
 - (b) To permit without let or hindrance all officers or servants of Government and all other persons duly authorised by the Government in that behalf to enter upon the land at all reasonable times and to do all acts and things necessary for or incidental to:
 - (i) the purpose of enforcing compliance with any of the terms and conditions of this grant of ascertaining whether they have been duly performed or observed, or
 - (ii) any purpose connected with the full enjoyment, discovery and use of the rights hereby reserved to the Government.
 - (c) To take the prescribed soil conservation measures and to break up the land within two years from the date of *patta*.
 - (d) In case of horticulture, to plant the area with fruit trees within four years from the date of *patta*.
 - (e) In the matter of water main, and water channels, to set out the water main and dig out the water channels, as the case may be, within two year of the *patta*.
 - (f) In the case of nautor for other purposes, to substantially start utilization of land for the purpose for which the nautor has been granted to him within one year of *patta*.
 - (g) To pay promptly the land revenue, all rates and cesses charges and out-goings to which the land may from time to time be assessed:

Provided that land revenue shall be charged from the following dates and not earlier:

- (i) In the case of nautor for raising of fodder, growing of any special grasses, herbs, shrubs and trees and for bee-keeping from the date of the grant of the *patta*.
- (ii) In the case of nautor for ordinary agriculture, from *kharif* of the third year from the date of the grant of *patta*.
- (iii) In the case of nautor granted on the land, which has been rendered unculturable by floods or similar other circumstances and which a person undertakes to make culturable by reclaiming it, from the *kharif* of the fifth year from the date of the grant of the *patta*.
- (iv) In the case of nautor for horticulture from the *kharif* of the sixth year.
- (v) In the case of nautor for water mills and water channels, from the *kharif* of the third year or from the *kharif* or *rabi* as the case may be, in which the mill starts running, whichever is earlier.
- (h) To demarcate the land by erecting boundary pillars or a small wall or fence around the land.
- (i) If the land is resumed under the terms of this grant to leave the land as soon as the grant is terminated and surrender it peaceably to the Deputy Commissioner and, if so required by the Deputy Commissioner, to pull down and remove any structure existing thereon.
- (j) The land granted under the terms of this *patta* shall not be transferred by the grantee for the purpose for which it has been granted

within a period of 15 years, and shall never be transferred for the purpose other than one for which it has been granted.

5. If the grantee fails to perform or commits a breach of any of the terms and conditions of the grant or suffers or permits such a breach or non-performance, the Deputy Commissioner may at any time thereafter terminate the grant and resume possession of the land and may pull down any structure existing thereon, and sell the materials thereof and retain the proceeds of the sale.

6. No compensation shall be payable by Government in respect of the exercise of any right reserved or conferred by the terms of this grant, except as provided hereunder:

(a) for actual damage or occupation arising out of the exercise of rights under clause I. Such compensation as may be determined by the Deputy Commissioner;

(b) on resumption of the whole or any part or portion of the land otherwise than for breach of or non-fulfilment of the terms and conditions of the grant or for the creation of a right of public way, a proportionate refund of *nazrana* paid and such additional sum, if any, as may be determined by the Deputy Commissioner in accordance with general principles applicable to the acquisition of land for public purposes.

7. (i) If any question of difference whatsoever shall at any time hereafter arise between Government and the grantee in any way touching or concerning this grant, or the constructions, meaning, operation or effect thereof or of any clause therein contained or as to the rights, duties or liabilities of either party under or by virtue of this grant or touching the subject matter of the grant or arising out of or in relation thereto then save in so far as the decision of any such matter has been hereinbefore provided for and has been so decided, the matter in difference shall be referred to the arbitration of the Judicial Secretary to the Government of Himachal Pradesh, who shall have power to decide any matter so referred, including the following questions:

(a) Whether any other provision has been made in these presents for the decision of any matter and if such provision has been made, whether it has been finally decided accordingly; and

(b) Whether the grant should be terminated or has been rightly terminated, and what are or will be the rights and obligations of the parties as the result of such termination.

(ii) The decision of the arbitration shall be final and binding and when any matter so referred to arbitration involves a claim for the award, increase or reduction of a sum of money by way of compensation or any other payment or recovery or money, only the amount decided by the arbitrator shall be recoverable in respect of the dispute so referred.

INTERPRETATION

8. In these conditions, unless there is anything repugnant in the subject or context:

(a) "Deputy Commissioner" means the Deputy Commissioner of the district in which the land is situated and includes any other person duly authorised by general or special order to exercise the powers of the Deputy Commissioner in respect of conditions governing this grant,

(b) "The Government and the grantee" include their successors in title and interest respectively; all rights hereby conferred and all

obligations hereby imposed shall be available for and bind their successors in title and interest, as the case may require, and when the term "grantee" includes co-sharers, any liability or obligation imposed by this grant shall be the joint and several liability of each co-sharer,

- (c) The "Land" means the land which is the subject of this grant, and includes all rights, easements, and appurtenances thereto belonging or pertaining, and
- (d) "Minerals" include all substances of a mineral nature which can be had from the earth, such as coal, earth oil, goldwashing, and forms of soils which can be used for a profitable purpose on removal.

THE SCHEDULE REFERRED TO IN CLAUSE I OF THE PATTAS

An area of.....bighas.....biswas.....
situated in mauza.....tehsil.....
district.....shown in the revenue records as
khasra No.....and bounded as follows:
on the north by.....
on the east by.....
on the south by.....
on the west by.....

Signature of executants and witnesses.

Signed for and on behalf of the Government of Himachal Pradesh
by.....(Sd) officer. acting
under the orders of the Lieutenant Governor of Himachal Pradesh in the
presence of.....(Sd)

Witness (address)
on the.....day of.....in the year
one thousand nine hundred.....and signed
by the said.....grantee(Sd) grantee.

In the presence of.....
Witness (address).....
.....(description).

On the.....day of.....in the
year one thousand nine hundred.....

In witness whereof the parties have hereto set their hands on the dates
hereinafter in each case specified.

FORM "F"

(See rule 20 b)

PATTA FORM FOR THE GRANT OF NAUTOR FOR HORTI- CULTURE PURPOSES IN HIMACHAL PRADESH

A grant made by the Lieutenant Governor, Himachal Pradesh (herein-
after called the Government) of the one part to
son of.....resident of.....
tehsil.....district.....in the
Himachal Pradesh (hereinafter called the grantee of the other part) in
pursuance of order, dated.....of the.....

Whereas the land hereinafter mentioned vests in the State for the purposes of the Government of the Himachal Pradesh which is authorised to grant interest in or to dispose of the said land by the provisions of article 298 of the Constitution of India.

And the grantee has paid the sum of Rupees.....to the Government as nazrana and Rs.....on account of the price of the trees.

Now this grant witnesseth as follows:

1. The Lieutenant Governor of the Himachal Pradesh on behalf of the State as beneficial owner grants unto the grantee all that plot of land containing.....bighas, more or less, hereinafter described as "Nautor" and more particularly described in the schedule hereto have an interest in and to hold the same subject to the exceptions and reservations and on the terms and conditions hereinafter appearing.

2. The grant of nautor is made for orcharding purpose only.

EXCEPTIONS AND RESERVATIONS ON BEHALF OF THE GOVERNMENT

3. The Government does not grant but excepts and reserves to itself all mines and quarries of whatever nature existing on, over or below the surface of the land with liberty to search for, work and remove the same in as full and ample manner as if this grant had not been made.

4. The Government does not grant but excepts and reserve to itself all rivers and streams with their beds and banks, all drainage, channels and all public thoroughfares now existing on the land or shown as proposed for construction in the plan annexed.

5. For the full discovery, enjoyment and use of the right hereby reserved, it shall be lawful for the Government through its authorised agents or for any officer of the Government to enter upon the land and such use thereof as may be necessary for these purposes without making any compensation to the grantee for such use and occupation except as may be provided hereunder.

OBLIGATIONS OF THE GRANTEE

6. The grantee hereby covenants with Government as follows:

(a) Not to do or suffer to be done any act inconsistent with or injurious to any of the rights excepted and reserved to Government.

(b) To permit without let or hindrance all officers or servants of Government and all other persons duly authorised by Government in that behalf to enter the land at all reasonable times and to do all acts and things necessary for or incidental to:

(i) the purpose of enforcing compliance with any of the terms and conditions of this grant of ascertaining whether they have been duly performed or observed, or

(ii) any purpose connected with full enjoyment, discovery and use of the rights hereby reserved to Government.

(c) Not to use the land for any purpose other than that for which it is granted.

- (d) To plant fruit trees of only those varieties which are approved by the extension officer horticulture or agriculture if horticulture officer is not available and according to a layout sanctioned by him.
- (e) To plant 1/5th of the area with fruit trees within two years of the grant and the remaining area during the next two years to the satisfaction of collector.
- (f) To protect the land against erosion in such manner as may be considered adequate by any body nominated by the District Collector for this purpose in a block if the slope is excessive to provide suitable terracing.
- (g) To follow the instructions of extension officer, horticulture or agriculture if horticulture officer is not available regarding:
 - (i) the purchase of trees from approved fruit nurseries,
 - (ii) the control of insect pests and fungal diseases of the fruit trees according to the advice of extension officer, horticulture or agriculture if horticulture officer is not available,
 - (iii) the replacement of unsuitable or worn out trees.
- (h) Not to do intercropping except by the express sanction of extension officer, agriculture who will specify the kinds of crops to be grown.

Note.—No sanction shall be necessary for growing green manuring or other leguminous crops. The grantee may put area remaining fallow in any year till four years from the date of grant by when the entire area under grant is to be put under orchard, under cereals of other crops approved by extension officer, agriculture. This shall not, however, authorise the grantee to inter-crop as forbidden under sub-clause h.

- (i) Not to sell, mortgage or alienate, in any way or lease out the land to any other party within a period of 15 years from the grant of *patta*.
- (j) To remain at all times of loyal behaviour and at any time of trouble to render active support to the Government and its officers, and to accept the decision of the Government as to whether this covenant has been fulfilled or not.
- (k) To pay such amount towards the cost of the following works as the Deputy Commissioner acting under the general or special orders of the Government, may determine, whether cost has already been incurred at the time of the grant or may be incurred thereunder:
 - (i) the survey and demarcation of the land;
 - (ii) the construction of any road, paths, culverts or bridges necessary for the general convenience of the estate in which land is situated;
 - (iii) that maintenance and repair of any such roads, paths, culverts or bridges.
- (l) To pay promptly the land revenue and all rates, cesses, charges and outgoings to which the land may, from time to time, be assessed:

Provided that the land revenue will not be charged for the first four years.

- (m) To demarcate the land by erecting burjies or small wall around the land.

- (n) If the land is resumed under the terms of this grant to leave the land as soon as the grant is terminated and surrender it peaceably to the Deputy Commissioner and, if so required by the Deputy Commissioner, to pull down and remove any structure existing thereon.
- (o) There shall be a condition attached to each grant that the grantee shall not alienate the sanctioned land by way of sale, mortgage or otherwise within 15 years from the grant of *patta*.

PROVISION

7. If the grantee fails to perform or commits a breach of any of the terms or conditions of the grant or suffers or permits such a breach or non-performance, the Deputy Commissioner may at any time thereafter terminate the grant and resume possession of the land and may pull down any structure existing thereon, and sell the materials thereof and retain the proceeds of the sale:

Provided that if the conditions contained in sub-clauses (c), (d), (e) and (f) of clause 6 have not been fulfilled to the satisfaction of Collector the grant may be terminated by the Deputy Commissioner and the land resumed without payment of any compensation thereof.

8. No compensation shall be payable by Government in respect of the exercise of any right reserved or conferred by the terms of this grant, except as provided hereunder:

- (a) for actual damage or occupation arising out of the exercise of rights, such compensation as may be determined by the Deputy Commissioner;
- (b) on resumption of the whole or any part or portion of the land otherwise than for breach of or non-fulfilment of the terms or conditions of the grant or for the creation of a right of public way a proportionate refund of *nazrana* paid and such additional sum, if any, as may be determined by the Deputy Commissioner in accordance with general principles applicable to the acquisition of land for public purposes.

9. (i) If any question of difference whatsoever shall at any time hereafter arise between Government and the grantee in any way touching or concerning this grant, or the construction, meaning, operation or effect thereof or of any clause therein contained or as to the rights or duties or liabilities of either party under or by virtue of this grant, or touching the subject matter, of the grant or arising out of or in relation thereto, then save in so far as the decision of any such matter has been hereinbefore provided for and has been so decided the matter in difference shall be referred to the arbitration of the Judicial Secretary to Himachal Pradesh Government who shall have power to decide any matter so referred, including the following questions:

- (a) whether any other provision has been made in these presents for the decision of any matter and if such provision has been made, whether it has been finally decided accordingly, and
- (b) whether the grant should be terminated, or has been rightly terminated and what are or will be rights and obligations of the parties as the result of such termination.

(ii) The decision of the arbitrator shall be final and binding and when any matter so referred to arbitration involves a claim for

the award, increase or reduction of a sum of money by way of compensation or any other payment or recovery of money, only the amount decided by the arbitrator shall be recoverable in respect of the dispute so referred.

INTERPRETATION

In these conditions, unless there is anything repugnant in the context:

- (a) "Deputy Commissioner" means the Deputy Commissioner of the district in which the land is situated and includes any other person duly authorised by general or special order to exercise the powers of the Deputy Commissioner in respect of conditions governing this grant.
- (b) "The Government" and "the grantee" include their successors in title respectively, all rights hereby conferred and all obligations hereby imposed shall be available for and bind their successors in title as the case may require, and when the term "the grantee" includes co-sharers any liability or obligation imposed by this grant shall be the joint and several liability of each co-sharer.
- (c) The "Land" means the land which is the subject of this grant, and includes all rights, easements, and appurtenances thereto belonging or pertaining, and
- (d) "Minerals" include all substances of a mineral nature which can be had from the earth, such as coal, earth oil, goldwashing, and forms of soils which can be used for a profitable purpose on removal.

THE SCHEDULE REFERRED TO IN CLAUSE I OF THE PATTA

An area of..... bighas.....
 biswas..... situated in mauza.....
 tehsil..... district.....
 shown in the revenue records as kahsra No.....
 and bounded as follows:
 on the north by.....
 on the east by.....
 on the south by and.....
 on the west by.....

Signature of executants and witnesses.

Signed for and on behalf of the Government of Himachal Pradesh
 by.....(Sd). Officer.....
 acting under the orders of the Lieutenant Governor of Himachal Pradesh
 in the presence of.....
 (Sd.) Witness (address).....
 on the..... day of in the year one thousand
 nine hundred..... and signed
 by the said..... grantee (Sd). grantee.
 In the presence of.....
 Witness (s).....
 (address).....
 (description).....
 on the..... day of.....
 in the year one thousand nine hundred.....

In witness whereof the parties have hereto set their hands on the dates hereinafter in each case specified.

FORM 'G'

(See sub-rule (iii) of rule 14)

AFFIDAVIT

I
son of
religion resident of
tehsil district
in Himachal Pradesh, do hereby solemnly declare that I do not own other
land anywhere also except the lands the details of which have
been given in the application.

Dated

Signature of applicant.

APPENDIX 'A'

(Rule) 21

GRANT OF NAUTOR LAND IN ILLICIT POSSESSION

No land shall be granted to a person who has encroached upon it after December, 1952. In other cases the following principles shall be observed in the grant of land to the encroacher:

- (i) those who prove an uninterrupted possession of thirty years or more may be given ownership on payment of all arrears of land revenue and cesses, a price shall equal to ten times the land revenue and cesses and a penalty of Rs. 5 per bigha for agricultural land and Rs. 10-per bigha for building site;
- (ii) those who are in possession of land for the period of 10 years or more but less than 30 years may be given ownership on payment of all arrears of land revenue and cesses, a price equal to fifteen times the land revenue and cesses, and a penalty of Rs. 5-per bigha for agricultural land and Rs. 10-per bigha for building site;
- (iii) those who are in possession for the period of five years or more but less than ten years may be given ownership on payment of all arrears of land revenue and cesses, a price equal to twenty times the land revenue and cesses and a penalty of Rs. 5-per bigha for agricultural land and Rs. 10-per bigha for building site;
- (iv) whose period of possession is less than five years may be given ownership of land on payment of all arrears of land revenue and cesses, a price equal to twenty-five times the land revenue and cesses, and a penalty of Rs. 5-per bigha for agricultural land and Rs. 10-per bigha for building site in the following cases only:—
 - (a) that he owns no other land, or
 - (b) that he owns land less than twenty bighas.

Explanation.—(1) The price of land including penalty chargeable under clauses (i), (ii), (iii) and (iv) above shall be subject to the minimum rate prescribed under rule 7 for agricultural, horticultural and non-agricultural purposes, as the case may be;

(2) For the purposes of clauses (i), (ii) and (iii) no limit of grant is fixed

(3) In the case falling under category of (a) clause (iv) the grant shall not exceed 20 bighas and in the case falling under category (b) of clause (iv) the grant shall be made only to the extent to which the holding of the encroacher falls short of 20 bighas.

(4) Notwithstanding anything contained in sub-clause (b) of clause (iv) and explanation (3) above the sanctioning authority may consider most deserving cases and grant land more than the prescribed limit according to the merits of the cases under clause (iv) after recording reasons for doing so;

(5) If trees be standing on the land concerned the price thereof shall be chargeable at market rate in addition to the price of the land;

(6) Applications shall be stamped with a court fee stamp of Re. 1 and shall be accompanied by fard and tatima of the land. The investigating officer need not necessarily follow the normal procedure prescribed for disposal of applications for nautor for deciding applications under this rule. He shall, however, make enquiries to ascertain length of possession.

(7) Where proprietorship is not sanctioned the trespasser shall be ejected, but all arrears and cesses shall be recovered from him.

(8) The sanctioning authority will be settlement officer in the areas under settlement and Deputy Commissioner elsewhere;

(9) The land-revenue of such building sites as area not already assessed to land revenue, shall be determined at the rate of assessment of the adjoining land.

By order,
B. S. GAUTAM,
Under Secretary.